

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USCIS NY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: MAY 24 2012  
DATE FILED: MAY 24 2012

Daniel B. Karron

Petitioner.

-vs.-

UNITED STATES OF AMERICA,

Respondent.

**NOTICE OF APPEAL**

CRIMINAL ACTION No. 07 Cr. 541

CIVIL ACTION No. 11 Civ. 1874

**NOTICE OF APPEAL**

Notice is hereby given that Daniel B. Karron, Petitioner in the above-named case, hereby appeals to the United States Court of Appeals for the Second Circuit from the Amended Opinion and Order entered in this action on May 4, 2012, denying petitioner's application for a writ of habeas corpus pursuant to Title 28 United States Code, Section 2255.

Respectfully Submitted,  
This 21 day of May , 2012



Petitioner, pro se.  
348 East Fulton Street  
Long Beach, NY 11561  
(516) 515 1474  
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UNITED STATES DISTRICT COURT  
for the  
Southern DISTRICT OF New York

United States of America , )  
                                  )  
                                  )  
Plaintiff                    )  
                                  )  
                                  )  
v.                             )  
                                  )  
Daniel B. Karron ,        )  
                                  )  
                                  )  
Defendant                    )  
                                  )

Case No. \_\_\_\_\_

**AFFIDAVIT ACCOMPANYING MOTION  
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

**Affidavit in Support of Motion**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)



Signed:      Daniel B. Karron

**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: May 19, 2012

My issues on appeal are: Issues of Law: 1) 10% Budget Variation Base was 2,100,000 not 800,000

Issue of Fact 2) Rent was reclassified as Salary as revealed analysis of Government Exhibit GX114;

Issue of Fact 3) Rent was counted again as misappropriated funds. Issue of Fact 4) Ignored After Tax Co-funding

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	You	Spouse 0	You	Spouse
Employment	\$ 1000	\$	\$ 1000	\$
Self-employment	\$	\$	\$	\$
Income from real property (such as rental income)	\$ 800	\$	\$ 800	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$ 0	\$
Unemployment payments	\$ 1000	\$	\$ 0	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
<b>Total monthly income:</b>	<b>\$ 2800</b>	<b>\$</b>	<b>\$ 1800</b>	<b>\$</b>

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

<b>Employer</b>	<b>Address</b>	<b>Dates of employment</b>	<b>Gross monthly pay</b>
Better Schooling Systems	107 Shawnee Road, Pittsburgh, PA 15241	10/2011	\$ 1000
SDR (Strategic Data Retention)	no longer in business	8/2009-4/2010	\$ 1250
			\$

3. List your spouse's employment history for the past two years, most recent employer first.  
*(Gross monthly pay is before taxes or other deductions.)*

<b>Employer</b>	<b>Address</b>	<b>Dates of employment</b>	<b>Gross monthly pay</b>
Better Schooling Systems	107 Shawnee Road, Pittsburgh, PA 15241	October 2011	\$1000
			\$
			\$

4. How much cash do you and your spouse have? \$0

*Below, state any money you or your spouse have in bank accounts or in any other financial institution.*

<b>Financial Institution</b>	<b>Type of Account</b>	<b>Amount you have</b>	<b>Amount your spouse has</b>
Municipal Credit Union	Savings	\$100.	\$
Municipal Credit Union	Checking	\$0	\$
		\$	\$

*If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.*

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<b>Home</b>	<b>Other real estate</b>	<b>Motor vehicle #1</b>
(Value) \$	(Value) \$	(Value) \$ 0
		Make and year: Dodge Neon 1995
		Model: Neon
		Registration #: 1B3ES67C9SD199467

<b>Motor vehicle #2</b>	<b>Other assets</b>	<b>Other assets</b>
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

<b>Person owing you or your spouse money</b>	<b>Amount owed to you</b>	<b>Amount owed to your spouse</b>
	\$	\$
	\$	\$
	\$	\$
	\$	\$

7. *State the persons who rely on you or your spouse for support.*

<b>Name or, if a minor (i.e., underage), initials only</b>	<b>Relationship</b>	<b>Age</b>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	<b>You</b>	<b>Your Spouse</b>
Rent or home-mortgage payment (including lot rented for mobile home)	\$	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 250	\$
Home maintenance (repairs and upkeep)	\$ 200	\$
Food	\$ 250	\$
Clothing	\$	\$
Laundry and dry-cleaning	\$ 50	\$
Medical and dental expenses	\$ 100	\$
Transportation (not including motor vehicle payments)	\$ 150	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 14	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 175	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$ 100	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 1200	\$
Installment payments		
Motor Vehicle:	\$ 0	\$ 0
Credit card (name):	\$ 0	\$
Department store (name):	\$	\$
Other:	\$	\$

Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$	\$
<b>Total monthly expenses:</b>	<b>\$</b>	<b>\$</b>

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes  No      If yes, describe on an attached sheet.

10. *Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form?  Yes  No*

*If yes, how much? \$ \_\_\_\_\_*

*If yes, state the attorney's name, address, and telephone number: \_\_\_\_\_*

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11. *Have you paid-or will you be paying-anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?  Yes  No*

*If yes, how much? \$ \_\_\_\_\_*

*If yes, state the person's name, address, and telephone number: \_\_\_\_\_*

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12. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal. Felony Conviction has destroyed employability; Went Bankrupt Jan 2012; Unemployment has run out.*

See Attached Unemployment Benefits Schedule

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13. State the city and state of your legal residence.

City Long Beach State New York

Your daytime phone number: (516) 515 1474

Your age: 56 Your years of schooling: 20+

Last four digits of your social-security number: 5466

**FINANCIAL AFFIDAVIT**  
**In Support of a Motion to Proceed In Forma Pauperis**

Case Name: \_\_\_\_\_

Docket Number: \_\_\_\_\_

**EMPLOYMENT**

Are you now employed?  Yes  No  Self Employed

Name & Address of Employer: Better Schooling Systems, P.O. Box 12833 Pittsburgh, PA 15241

If YES, how much do you earn per month? \$ 1000.00

If NO, give month & year of last employment \_\_\_\_\_

How much did you earn per month? \_\_\_\_\_

If married, is your spouse employed?  Yes  No

If YES, how much does your spouse earn per month? \$ \_\_\_\_\_

If a minor under age 21, what is your parents' or guardian's approximate monthly income?  
\$ \_\_\_\_\_

**OTHER INCOME**

Have you received in the past 12 months any income from a business, profession, or other form of self-employment, or in the form of rent, payments, interest, dividends, retirement or annuity payments, or other sources?  Yes  No

If YES, give the amount received and identify sources:

Received  
405/Month  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sources:  
NYS Unemployment Insurance  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CASH**

Have you any cash on hand or money in savings, a prisoner trust fund account or checking account?  Yes  No

If YES, state total amount \$ 100.

## **PROPERTY**

Do you own any real estate, stock, bonds, notes, automobiles or other valuable property

(excluding ordinary household furnishings and clothing?)  Yes  No

If YES, give value and describe it:

Value  
0 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description  
95 Dodge Neon \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **DEPENDENTS**

Marital status: Total No. of Dependents: \_\_\_\_\_

- Single  
 Married  
 Widowed  
 Separated or Divorced

List persons you actually support & your relationship

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## **DEBTS & MONTHLY BILLS**

List all creditors, including banks, loan companies, charge accounts, etc.

Creditors:	Total Debt:	Monthly Payment:
Apt. or Home: Criminal Restitution	\$ 120,000	\$ 350.000
Civil Judgement being appealed	\$ 4,100,000	\$ ???
Tax Judgements	\$ 250,000	\$ ???
Bankruptcy granted Jan 2012	\$ _____	\$ _____

I certify the above to be correct. /s/ \_\_\_\_\_ May 19, 2012  
Signature of movant Date

**WARNING:** A false or dishonest answer to a question in this affidavit may be punishable by fine, imprisonment, or both.

**Attach this completed Financial Affidavit to a completed  
T-1080 Motion Information Statement, available on the Court's website.**